

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Sam Cynamon
Patent No.: 6,475,047
Issue Date: November 5, 2002
Serial No: 09/785,941
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For: RESCUE DEVICE
Confirmation No.: 4399
Petitions Attorney: Patricia Faison-Ball

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

STATEMENT OF LORI CINDRICH

S I R:

I, Lori Cindrich, residing at 39 Butler Hill Road, Somers, New York, hereby declare that:

I am currently employed as the Docketing Manager at Lucas & Mercanti, LLP (hereinafter "L&M"). Prior to joining L&M, I was employed in the docketing department of Darby & Darby from September, 1995 to October, 2010. I have been trained as a docketing specialist and have over 17 years of experience working in the docketing department at intellectual property firms.

L&M has a docket entry procedure for matters that are transferred from another firm to L&M. I was introduced to this docket entry procedure when I started my employment as Docketing Manager at L&M. When I was introduced to the docket entry procedure upon assuming the responsibilities of L&M Docketing Manager, I was advised by Mr. Frederick Bills, who is a docketing clerk under my supervision, that this docket entry procedure was in effect at L&M at least as early as the date of his employment, which began August 1, 2009.

When matters are transferred to L&M from another law firm, each docket entry is made by a docket clerk, based upon the docket report provided by the prior firm. Thereafter, the information which has been entered into L&M's docketing system is checked against the physical file, and also against the corresponding entry in the Patent Application Information Retrieval (PAIR) System of the USPSTO, by the docket clerk to ensure that the dates have been properly entered. Then, each of the docket entries is checked by the Docket Manager against the physical office file and the docket report provided by the prior law firm and the PAIR printout to ensure that the dates for each matter have been properly entered. Thereafter, the L&M docket report for each matter is provided to the attorney in charge of the matter, who compares the L&M docket report to the physical file and the docket

report provided by the prior law firm.

Each of the Docketing Department employees has significant experience and training in docketing patent and trademark matters. L&M provides periodic training sessions to the docketing department employees by independent IP docketing consultants. In addition, I provide daily guidance to the docketing department personnel. Each new employee in the docketing department undergoes an extended period of internal training and evaluation. L&M utilizes the patent docketing software, "CPI."

While I was not employed by L&M at the time Mr. Robert Michal joined the firm, I have worked at L&M since October, 2010, and I have supervised Mr. Frederick Bills regarding mail that has been received from the law office currently known as Holtz, Holtz,, Goodman & Chick, P.C. (hereinafter "Holtz"), formerly known as Frishauf, Holtz, Goodman & Chick, P.C. in connection with matters that have been transferred from the Holtz firm. Each item of mail that has been received from the Holtz firm has been checked against our current docket entries to determine if the matter has already been docketed. If the matter has not already been docketed, the specific action is entered into the L&M docketing system by me, Mr. Bills, or another L&M docketing clerk. If Mr. Bills is entrusted to enter the information, I check the information that Mr. Bills has entered into the docketing system

to ensure that it is correct.

In view of the Holtz firm forwarding U.S. Patent Office and other mail to L&M which is addressed to Mr. Robert Michal, we view the forwarding of U.S. Patent Office notices by the Holtz firm as a further backup to our docketing system for matters Mr. Michal handled while at the Holtz firm.

On or about January 30, 2013, Mr. Michal informed me that he received a telephone call from Mr. Sam Cynamon regarding a maintenance fee that had been due in connection with USP 6,475,047. At that time, I worked with Mr. Bills in checking our docketing system to determine whether any entry had previously been made in connection with USP 6,475,047. I determined that no previous docket entry had been made in connection with USP 6,475,047. Based on this fact, I conclude that no communication regarding USP 6,475,047, either in paper or electronic form, was provided to the L&M docketing department. Furthermore, I have no knowledge of receiving any notices in connection with USP 6,475,047 prior to January 30, 2013.

This Statement is written in support of the Petition for Reconsideration of the Dismissal of the Petition to accept the unavoidably delayed payment of the maintenance fee for the Patent No. 6,475,047.

I further declare that all statements made herein of my own

knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date May 1, 2013
Lori Cindrich